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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			D'AGOSTINO, PAUL, ANTHONY	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/556,951	MOSHAL, MARTIN	
	<b>Examiner</b>	Art Unit	
	PAUL A. D'AGOSTINO	3716	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 7/14/2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 November 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftperson's Patent Drawing Review (PTO-947)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This responds to Applicant's Arguments/Remarks filed 07/14/2010. Claims 1, 3, 9, and 10 have been amended. Claims 14-20 have been newly added. Claims 1-20 are now pending in this Application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,582,324 to Koza et al. (Koza) in view of U.S. Patent No. 4,930,065 to McLagan et al. (McLagan) and U.S. Patent No. 4,283,709 to Lucero (Lucero).

#### **In Reference to Claims 1, 9, 14-15, and 17-19**

Koza discloses a gaming terminal (Fig. 1 system of "gaming terminals" Col. 1

Lines 5-8), comprising:

a gaming server ("Central Controller" 24) operable under program control (Col. 2 Lines 65-67 and Col. 4 Lines 53-60) to regulate the progress of any one of a number of different selectable games ("accounting, validation, security, and seeding of pools, among other tasks" Col. 2 Lines 65-67 and Col. 3 Lines 1-4 associated with "a plurality of different video games" Col. 2 Lines 46-48);

a user access facility (Fig. 1 "gaming terminal" 20 and Col. 2 Lines 30-52) usable by a player to select any one of the number of different selectable games for play and to place a wager on any turn thereof (Fig. 2 and Fig. 3A "Coin &/ or Bill Acceptor" 59; see also selection of games by the player Col. 4 Lines 43-53; Koza discloses games of skill wherein the player is able to wager on video games Col. 4 Lines 42-50 and an instant "lottery" Col. 4 Lines 15-18 and receive "winnings" Col. 13 Lines 1-5 from "number of games played, low tier prizes Col. 21 Lines 8-12);

a communication network providing communication between the user access facility and the gaming server (Fig. 1 gaming terminals 22 coupled to gaming server 24 by communication medium 22; see also Col. 2 Lines 53-65);

a storage means communicable with the user access facility by means of the communication network (Fig. 1 "Peripherals" 26 and "The central controller 24 is coupled, as shown, to a number of peripheral devices 26 such as magnetic disks for storage of data, terminals for operator supervision, and line printers, etc." Col. 3 Lines 1-4); and

a logging facility associated with the user access facility, the logging facility

(Examiner interprets the logging facility as the operation of the gaming terminal RAM interface with the central controller of Fig. 3A "Terminal Controller" 70 interface between "Control Logic" 52 and "Game Logic" 51 in "Game Controller" 50 to the "Central Controller" 24 via medium 22), including:

a) a buffer memory configured to store transaction data corresponding to a predetermined number of consecutive wagers (Examiner interprets 'predetermined number' to be the capacity of the buffer and 'transaction data corresponding to a predetermined number of consecutive wagers' as meter data activity as it accumulates sequentially in time on a game terminal. Koza discloses that the RAM contains meter data which is sent to a data buffer (Fig. 3C "Data Buffers" 94 receiving "meter data" from RAM in "Memory" 98 in "Game Logic" 51; see also Col. 8 Lines 15-31). The buffer is configured to store the meter data for transmission and then is "freed up for reuse" {flushed once the downloading is complete} (Col. 13 Lines 10-14). Koza defines meter data as "number of games played, money in the terminal, amount of winnings paid out, and other data" which is transaction data which 'corresponds to the number of consecutive wagers' (Col. 13 Lines 1-6)); and

b) a logging application software program configured to log buffer transaction data in the buffer memory and to download the buffered transaction data from the buffer memory to the storage means (Figs. 3A and 3C wherein "Terminal Controller" 70 interfaces with the data buffer 94 and RAM 98 within "Game Controller" 50 and "Game Logic" 51; Terminal controller 70 Col. 19-29 keeps detailed records from play to download to central controller 24 Col. 6 Lines 38-67; see also "serves as a storage

location for collection of various remote game terminal meter data..." Col. 13 Lines 1-5 under the control of commercially available operating system for linkage of the various tasks operating within the terminal controller" to include "buffer management" Col. 13 Lines 33-48; Koza also discloses "buffer management" and as part of "restart procedures, interrupt procedures, and user tasks" under the "operating system" Col. 13 Lines 44-48).

However, while Koza discloses buffer management wherein each transmission frees the buffer for reuse (Col. 13 Lines 1-14 and col. 13 Lines 40-45), Koza is silent wherein the buffer management initiates a transfer when the buffer memory is full; the logging application buffers are circular buffers similar to the ones used in other parts of his invention; and the buffers are flushed after each download.

McLagan teaches of a data communication system for a computer for transferring data between memory of the computer and one of more peripherals (Col. 1 Lines 9-15) wherein in processor-controlled interrupt driven communications systems can be augmented with special registers which allow data to be transferred at extremely fast rates (Col. 4 Lines 40-55) further including circular buffers with logic that initiates a buffer full signal and indicates that the buffer section is full and needs to have its contents transmitted to the memory via the main bus (Col. 9 Lines 1-36). McLagan provides this system and method in order to provide a method of fast data transfer without the need to generate time consuming interrupts (Col. 2 Lines 30-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the buffer management as taught by McLagan into the

teachings of Koza in order to execute faster data transfers without the need for more frequent polling or the generation of additional time consuming interrupts.

Further, while Koza discloses meter data, Koza is silent on additional examples of gaming terminal data collected and transferred to the server and that server being a casino server.

Lucero teaches of cash accounting and surveillance for a system of games (Title) typical casino slot machines (Col. 1 Lines 5-10) wherein "complete functional and accounting information is collected from each slot machine" Col. 2 Lines 19-25) from a network of gaming machines to a host server (Fig. 11) using a system of nodes (Fig. 12), communication boards (Fig. 13) and data communication boards (Fig. 14; see also Col. 12 Lines 23-40). The casino (Col. 12 Lines 58-59) server collecting data from each slot machine identified wherein "each slot machine in the casino may have a unique address" Col. 12 Lines 58-59). The coin ins are referred to as wagers (Col. 13 Lines 25-30 and Figs. 15 and 16) and the denomination of the slot machine is recorded as part of the meter data (Col. 19 Lines 14-20).

Lucero teaches the particular data communicated includes " Thus, it may be seen that there are certain occurrences which will cause a slot machine controller to communicate with the data comm board, which communications in the preferred embodiment are always in a fixed format. In particular, in the preferred embodiment each communication from the slot machine controller to the data comm board includes the cumulative counts in the machine for coin in, coin out, coin drop, hand pay jackpot and hopper load, each of which comprise three bytes of information. In addition,

information on the last game, specifically the number of coins put in, the number of coins paid out and the reel position for the last game is communicated. Finally, the denomination, type of machine and an exception report is also communicated each Time" (Col. 21 Lines 43-60).

Lucero provides this system and method in order to provide an enhanced cash accounting and surveillance system for large jackpot (Col. 2 Lines 13-14) higher stakes wagering games "whereby operation of a number of player operated gaming devices may be monitored for purposes of detecting abnormal operation and/or cheating and for providing automatic accounting information for record keeping and pilferage detection purposes" (Col. 1 Lines 40-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the additional details of metering data performed by casinos as taught by Lucero into the teachings of Koza in order to provide an enhanced cash accounting and surveillance system accounting for all variables of game play such that gaming may be more closely monitored for detecting abnormal operation and/or cheating and for detecting pilferage.

In Reference to Claims 2 and 10

Koza as modified by McLagan and Lucero wherein the gaming server is in communication with a plurality of different user access facilities by means of the communication network, each one of the plurality of different user access facilities having a corresponding unique identification code and a corresponding logging facility

(Fig. 1, 2, 3A and 3C showing different machines each with a logging facility and providing a "detailed accounting of terminal activity" Col. 6 Lines 64-65) by cycling through each machine telephone number uniquely identifying a particular gaming terminal (Col. 20 Lines 59-60; and Col. 21 Lines 55-62; see also "A custom data area is used to store data that makes one terminal controller different from another, such as the central controller phone number, encryption keys, decryption keys, etc" Col. 16 Lines 15-25).

In Reference to Claims 3, 11, 16, and 20

Koza as modified by McLagan and Lucero discloses that the central controller 24 handles "accounting" wherein the data is consolidated and merged in the storage means (Col. 2 Lines 66-67 and Col. 3 Lines 1-4). Examiner interprets accounting to encompass the consolidation and merging of operations data and the generation of various regulatory reports of operations for governing bodies and inventors and for the production of "online" and "offline" reports {queries} (Col. 22 Lines 51-59).

In Reference to Claims 4-6 and 12-13

Koza as modified by McLagan and Lucero discloses a system and method substantially equivalent to Applicant's claimed invention. Koza discloses for each terminal, the tracking of "history and financial data" (Col. 6 Lines 26-27) and of meter data "such as, the number of games played, money in the terminal, the amount of winnings paid out, and other data. The terminal controller 70 periodically polls the game

controller 50 to make sure it has up-to-date meter data." Koza further discloses an outcome of the wager (winnings paid out" Col. 13 Lines 1-4); the outcome of the wager being either successful or unsuccessful ("win or loss" Col. 4 Lines 66-67); and size of the prize won by the player ("low tier prizes" 22 Lines 10-11) and unique identification code of the gaming machine ("A custom data area is used to store data that makes one terminal controller different from another, such as the central controller phone number, encryption keys, decryption keys, etc" Col. 16 Lines 15-25).

Additionally, Lucero further discloses transaction data for casino games ("slot machines" Abstract) relating to size and type of the wager ("denomination of the machine (i.e. a dime, quarter, half-dollar or dollar machine)" Col. 12 Lines 1-4) and the identity of the game ("type of machine" Col. 21 Lines 55-56) as well as unique identification code ("identification of the gaming device" Col. 2 Lines 1-2; see also "machine identification number is read" Col. 15 Lines 30-31). For motivation to combine see rejection of Claim 1.

In Reference to Claims 7 and 8

Koza as modified by McLagan and Lucero discloses a system and method substantially equivalent to Applicant's claimed invention. However, Koza as modified by McLagan and Lucero is silent wherein the communication network is the Internet and the gaming terminal is a computer terminal connected via the Internet. Examiner takes Official Notice of the fact that gaming networks involving computer terminals and game

play over the Internet is notoriously well known in the art as demonstrated by the art of record.

***Response to Arguments***

4. Applicant's arguments, filed 7/14/2010, with respect to the rejection(s) of claim(s) 1-13 under 35 U.S.C. § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Applicant is directed to the rejection of the claims by Koza in view of McLagan and Lucero.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in provided in the Notice of References Cited.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL A. D'AGOSTINO whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. D'Agostino/  
Examiner, Art Unit 3716